

such corporation or receiver, or any officer, agent or representative thereof, from requiring or knowingly permitting any such employe who has been on duty for fourteen consecutive hours, and who has gone off duty to again go on duty, or perform any work for such corporation or receiver until he has had at least eight hours off duty, and providing penalties for violation of this act, and prescribing the venue of suits, and prosecutions thereunder, and repealing Chapter 31 of the Acts of the Twenty-eighth Legislature, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, May 9, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 66, A bill to be entitled "An Act correcting and amending a bill passed by the Thirtieth Legislature creating an independent school district in the counties of Gonzales and Wilson, to be known as the Nixon Independent School District."

And find the same correctly engrossed.  
BARRETT, Acting Chairman.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Friday, May 10, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent—Excused.

Holsey.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for committee reports.)

There being no bills and resolutions, the Chair declared that the morning call was concluded.

#### HOUSE BILL NO. 4.

Senate bill No. 1, being regular order, the Chair so declared, and

On motion of Senator Willacy, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 4.

The Chair laid before the Senate, on second reading,

House bill No. 4, A bill to be entitled "An Act providing for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, etc., and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

There being a majority favorable committee report, with amendments, and a favorable minority committee report, with amendments.

Senator Willacy moved to substitute the minority committee report for the majority committee report, which motion was adopted.

The question then was on the passage of the bill to a third reading, and

Senator Looney offered the following amendment:

Amend the bill by inserting as Sections 10 and 11 the following, and renumber the other sections to conform:

"Sec. 10. Each and every individual, company, corporation or association created by the laws of this State, or any other State, who shall engage in his own name or in the name of others, or in the name of its representatives or agents in this State, in the business of a wholesale dealer or a wholesale distributor of beer, or other malt liquors, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer or superintendent of

said company, corporation or association, showing the gross amount collected and uncollected from any and all sales made within this State of any of said articles during the quarter next preceding. Such individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to 1 per cent of said gross receipts from said sales as shown by said report.

"A wholesale dealer or distributor, within the meaning of this section, is any individual, company, association or corporation selling any of the articles hereinbefore mentioned, either in his own or in the name of others, or in the name of its representatives or agents, to retail dealers, or who deliver on consignment to their agents for retail.

"Sec. 11. Each and every incorporated brewing company doing business within the State of Texas, whether incorporated under the laws of this State or of any other State or Territory, or of the United States or foreign country, and every other individual, company or association doing business of the same nature in this State, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such or agent, and sell same, either in his name, or in the name of others, or in the name of their representative or agents, to any person, firm, corporation or association to be sold again.

"Sec. 10. Each and every individual, company, corporation or association created by the laws of this State, or any other State, who shall engage in his own name or in the name of others, or in the names of its representatives or agents in this State, in the business of a wholesale dealer or a wholesale distributor of beer, or other malt liquors, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual."

Senator Skinner offered the following amendment to the amendment:

Amend the amendment by striking out all after the word "beer," in line 9, down to the word "shall" in the same line, and insert in lieu thereof the following: "Whisky, brandy or any other spirituous, vinous or malt liquors."

Also strike out of the caption after the word "beer," in line 8, page 12, the words, "or malt liquors," and insert in

lieu thereof the following: "Whisky, brandy or any other spirituous, vinous or malt liquors."

Senator Willacy moved to table the amendment and the amendment to the amendment. There being no division of the question demanded, the Chair stated that the motion would be put as one motion.

The motion to table prevailed by the following vote:

Yeas—25.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Watson.
Harbison.	Willacy.
Harper.	

Nays—3.

Looney.	Smith.
Mayfield.	

Absent.

Stokes.	Veale.
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Absent—Excused.

Holsey.

Senator Willacy moved to reconsider the vote by which the amendments were tabled, and lay that motion on the table.

The motion to table prevailed.

Senator Green offered the following amendment:

Amend the bill by striking out of Section 8, page 7, line 24, the words "fidelity and guaranty," and insert after the word "stock," line 22, page 7, the words "fidelity, guaranty and surety."

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has invested the conference committee on the part of the House on House bill No. 13, the Inheritance Tax Bill, with the power and authority of a Free Conference Committee.

And has passed:

Committee Substitute Senate bills

Nos. 41 and 43, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit therefor, and providing penalties for the violations of the provisions of this act," with amendments.

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

## SIMPLE RESOLUTION.

By Senator Smith:

Whereas, The Senate on May 9, 1907, at the request of the House appointed a conference committee on the part of the Senate to confer with a like committee appointed on the part of the House to consider and adjust the difference between the two houses on House bill No. 13; and

Whereas, Since the appointment of said committees the House has empowered its committee with the powers of a Free Conference Committee; and

Whereas, The differences between the House and Senate on said bill have not been adjusted; therefore, be it

Resolved, That the committee appointed upon the part of the Senate to confer with a like committee on the part of the House be and is hereby empowered and clothed with the powers of a Free Conference Committee.

The resolution was read, and adopted.

## HOUSE BILL NO. 4.

Action recurred on House bill No. 4, the question being on the amendment by Senator Green.

The amendment by Senator Green was adopted.

(Senator Stone in the chair.)

Senator Hudspeth offered the following amendment:

Amend the bill by striking out all of Section 4, page 4, of the printed bill.

HUDSPETH,  
SENER.

Senator Looney moved to table the amendment, which motion to table was lost by the following vote:

Yeas—13.

Barrett.	Harbison.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Mayfield.
Glasscock.	Skinner.
Green.	Veale.
Grinnan.	

Nays—15.

Alexander.	Murray.
Faust.	Paulus.
Greer.	Senter.
Griggs.	Smith.
Harper.	Stone.
Hudspeth.	Terrell.
Masterson.	Watson.
Meachum.	

Absent.

Stokes.	Willacy.
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Absent—Excused.

Holsey.

The amendment was then adopted by the following vote:

Yeas—17.

Alexander.	Meachum.
Faust.	Murray.
Griggs.	Paulus.
Grinnan.	Senter.
Harbison.	Smith.
Harper.	Stone.
Hudspeth.	Terrell.
Kellie.	Watson.
Masterson.	

Nays—9.

Brachfield.	Looney.
Chambers.	Mayfield.
Glasscock.	Skinner.
Green.	Veale.
Greer.	

Absent.

Barrett.	Stokes.
Cunningham.	Willacy.

Absent—Excused.

Holsey.

Senator Hudspeth moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Brachfield offered the following amendment:

Amend by adding:

"Sec. 12. Each and every individual, company, corporation or association, owning, operating or controlling any canal and dock company, terminal or

wharf company in this State shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer, superintendent or manager of such company, corporation or association, showing from business done within this State the gross amount received in payment of yardage and handling of goods, wares, merchandise or other property during the quarter next preceding. Such individuals, companies, corporations and associations at the time of making such report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to 1 per cent of said gross receipts shown by said report."

(Signed) BRACHFIELD,  
HARPER.

Senator Skinner offered the following amendment to the amendment:

Amend the amendment by adding thereto the following: "Provided, that this act shall not apply to canals constructed or used for furnishing water for irrigation or other farming purposes."

(Signed) SKINNER,  
GRIGGS.

The amendment to the amendment was adopted.

Senator Masterson offered the following amendment to the amendment as amended:

"Provided, that any corporation paying a tax under the laws of Texas levying a tax on intangible assets shall not be required to pay any tax under this law."

Senator Looney offered the following substitute for the amendment to the amendment as amended:

Amend the bill by adding to the printed bill the following: "Provided that the tax herein levied shall not apply to any individual, company, corporation or association coming within the scope and intent of any intangible tax law of this State, and who pay an intangible asset tax in obedience to any such law."

The substitute was lost by the following vote:

Yeas—13.

Barrett.	Greer.
Brachfield.	Harper.
Chambers.	Kellie.
Cunningham.	Looney.
Green.	Mayfield.

Paulus.	Terrell.
Stone.	

Nays—16.

Alexander.	Murray.
Faust.	Senter.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Veale.
Hudspeth.	Watson.
Masterson.	Willacy.

Absent.

Meachum.

Absent—Excused.

Holsey.

Senator Kellie here moved that the Senate recess until 3 o'clock, which motion was lost by the following vote:

Yeas—6.

Cunningham.	Kellie.
Glasscock.	Smith.
Hudspeth.	Stone.

Nays—24.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stokes.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Looney.	Willacy.

Absent—Excused.

Holsey.

Action then recurred on the amendment by Senator Masterson to the amendment by Senator Brachfield, and the same was withdrawn.

Senator Masterson then offered the following amendment to the amendment:

"Provided, that the tax herein levied shall not apply to any corporation, association or person paying an intangible assets tax under the laws of this State."

(Signed) MASTERSON,  
HARPER.

The amendment to the amendment was adopted.

Senator Terrell offered the following amendment to the amendment as amended:

Amend the amendment by striking out

"one per cent," and insert in lieu thereof the following: "One per cent of said gross receipts, if the same shall not be over one hundred thousand dollars, and two per cent of said gross receipts if the same should be over one hundred thousand dollars, and three per cent if said gross receipts should be over three hundred thousand dollars.

(Signed) TERRELL,  
CHAMBERS.

Senator Masterson moved the previous question on the amendment and the amendment to the amendment, which motion being duly seconded was so ordered.

The amendment to the amendment was lost.

The amendment by Senator Brachfield, as amended, was then adopted.

Senator Brachfield moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Murray offered the following amendment, which was adopted:

Amend the bill by adding after the word "preceding," in line 7, page 10, the following: "Except gross receipts derived from buffet service on sleeping cars."

Senator Hudspeth here moved that the Senate recess until 2:30 o'clock today, and

Senator Mayfield moved, as a substitute, that the Senate recess until 2 o'clock today.

Action being on the longest time first, the motion to recess until 2:30 o'clock was lost by the following vote:

Yeas—13.

Barrett.	Kellie.
Cunningham.	Masterson.
Faust.	Murray.
Glasscock.	Stone.
Griggs.	Watson.
Harbison.	Willacy.
Hudspeth.	

Nays—16.

Alexander.	Mayfield.
Brachfield.	Meachum.
Chambers.	Paulus.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Stokes.
Harper.	Terrell.
Looney.	Veale.

Absent.

Smith.

Absent—Excused.

Holsey.

The motion to recess until 2 o'clock was then lost by the following vote:

Yeas—12.

Brachfield.	Masterson.
Glasscock.	Mayfield.
Green.	Murray.
Griggs.	Senter.
Harper.	Stone.
Looney.	Terrell.

Nays—17.

Alexander.	Kellie.
Barrett.	Meachum.
Chambers.	Paulus.
Cunningham.	Skinner.
Faust.	Stokes.
Greer.	Veale.
Grinnan.	Watson.
Harbison.	Willacy.
Hudspeth.	

Absent.

Smith.

Absent—Excused.

Holsey.

Action then recurred on House bill No. 4, and

Senator Brachfield offered the following amendment, which was adopted:

Amend the caption of the bill by adding after the "business," in line 32, page 1, the following: "Wharf companies canal and dock companies, terminal companies."

Senator Chambers offered the following amendment:

Amend the bill, page 4, line 2, by striking out "three per cent," and insert "two and one-half per cent."

Senator Barrett moved to table the amendment, which motion to table was lost by the following vote:

Yeas—14.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Paulus.
Green.	Senter.
Greer.	Skinner.
Harbison.	Stokes.
Harper.	Veale.

Nays—14.

Alexander.	Hudspeth.
Chambers.	Kellie.
Faust.	Masterson.
Griggs.	Meachum.
Grinnan.	Murray.

Stone.  
Terrell.

Watson.  
Willacy.

Absent.

Glasscock.

Smith.

Absent—Excused.

Holsey.

Here Senator Terrell moved that the Senate recess until 2 o'clock, which motion was lost by the following vote:

Yeas—7.

Griggs.  
Harbison.  
Harper.  
Kellie.

Looney.  
Mayfield.  
Murray.

Nays—21.

Alexander.  
Barrett.  
Brachfield.  
Chambers.  
Cunningham.  
Faust.  
Green.  
Greer.  
Grinnan.  
Hudspeth.  
Masterson.

Meachum.  
Paulus.  
Senter.  
Skinner.  
Stokes.  
Stone.  
Terrell.  
Veale.  
Watson.  
Willacy.

Absent.

Glasscock.

Smith.

Absent—Excused.

Holsey.

Action then recurred on House bill No. 4, the question being on the amendment by Senator Chambers.

Senator Mayfield moved the previous question on the amendment, which motion being duly seconded was so ordered.

The amendment by Senator Chambers was lost by the following vote:

Yeas—14.

Alexander.  
Chambers.  
Faust.  
Griggs.  
Grinnan.  
Hudspeth.  
Kellie.

Masterson.  
Meachum.  
Murray.  
Stone.  
Terrell.  
Watson.  
Willacy.

Nays—14.

Barrett.  
Brachfield.  
Cunningham.  
Green.  
Greer.  
Harbison.  
Harper.

Looney.  
Mayfield.  
Paulus.  
Senter.  
Skinner.  
Stokes.  
Veale.

Absent.

Glasscock.

Smith.

Absent—Excused.

Holsey.

Senator Green offered the following amendment:

Amend the bill by adding Section 10, as follows:

"Sec. 10. Each and every individual, company, corporation or association created by the laws of this State, or any other State, who shall engage in his own name, or in the name of others, or in the names of its representatives or agents in this State, in the business of a wholesale dealer or a retail dealer of pistols, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of said company, corporation or association, showing the gross amount collected and uncollected from any and all sales made within this State of all firearms during the quarter next preceding. Such individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to 5 per cent of said gross receipts from sales of all firearms as shown by said report."

Also amend caption to conform herewith, by adding after the word "business," page 1, line 25, the word "wholesale and retail dealers in pistols."

Senator Murray here moved that the Senate recess until 3 o'clock today, which motion was lost by the following vote:

Yeas—8.

Faust.  
Griggs.  
Harper.  
Kellie.

Looney.  
Mayfield.  
Meachum.  
Murray.

Nays—19.

Alexander.  
Barrett.  
Brachfield.  
Chambers.  
Cunningham.  
Green.  
Greer.  
Grinnan.  
Hudspeth.  
Masterson.

Paulus.  
Senter.  
Skinner.  
Stokes.  
Stone.  
Terrell.  
Veale.  
Watson.  
Willacy.

Absent.  
 Glasscock. Smith.  
 Harbison.  
 Absent—Excused.  
 Holsey.

Action recurred on House bill No. 4, the question being on the amendment by Senator Green, and

Senator Terrell offered the following amendment to the amendment:

Amend the amendment by striking out "5 per cent" and insert in lieu thereof the following: "50 per cent."

(Signed) TERRELL,  
 ALEXANDER.

Senator Harper here moved the previous question on the pending amendments and the bill, the motion being duly seconded, and the motion was lost.

The amendment to the amendment was adopted.

Senator Looney moved that the Senate recess until 3 o'clock today, which motion was lost by the following vote:

Yeas—9.

Faust.	Mayfield.
Griggs.	Murray.
Harper.	Senter.
Kellie.	Smith.
Looney.	

Nays—19.

Alexander.	Meachum.
Barrett.	Paulus.
Brachfield.	Skinner.
Chambers.	Stokes.
Cunningham.	Stone.
Green.	Terrell.
Greer.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.
Masterson.	

Absent.

Glasscock.	Harbison.
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Absent—Excused.

Holsey.

Action then recurred on House bill No. 4, the question being on the amendment by Senator Green.

Here Senator Murray moved the previous question on the pending amendment and the bill, which motion was duly seconded, but the motion was lost by the following vote:

Yeas—12.

Brachfield.	Cunningham.
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Faust.	Murray.
Greer.	Paulus.
Grinnan.	Smith.
Harper.	Stokes.
Looney.	Willacy.

Nays—16.

Alexander.	Mayfield.
Barrett.	Meachum.
Chambers.	Senter.
Green.	Skinner.
Griggs.	Stone.
Hudspeth.	Terrell.
Kellie.	Veale.
Masterson.	Watson.

Absent.

Glasscock.	Harbison.
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Absent—Excused.

Holsey.

The amendment by Senator Green was then adopted.

Senator Kellie offered the following amendment:

Amend the bill by inserting in the caption, on page 2, line 31, between the figures "1905" and the word "and" the following: "And to repeal the tax levied upon the occupation of producer of oil, by Section 13 of the act approved April 17, 1905," and by inserting on page 16, between lines 10 and 11 the following:

"Sec. 20a. There is hereby repealed the tax levied upon the occupation of the producer of oil by Section 13 of the act approved April 17, 1905, being Chapter 148 of the acts of the Twenty-ninth Legislature."

KELLIE,  
 GRIGGS,  
 GREEN.

The amendment by Senator Kellie was then adopted.

Senator Kellie moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Senter offered the following amendment:

Amend the bill, Section 8, page 9, by striking out the words following the words "such policies," in line 13, down to and including the words "such life insurance company," in line 17, page 9; and the word "said" in said line 17.

Strike out the words "to make such report and pay such tax or," in lines 25 and 26, page 9.

Strike out the words "and in addition in a sum equal to double the amount of

such tax for such year," in lines 28 and 29, page 9.

SENTER,  
ALEXANDER.

The amendment was lost by the following vote:

Yeas—11.

Alexander.	Murray.
Faust.	Senter.
Griggs.	Smith.
Kellie.	Stone.
Masterson.	Willacy.
Meachum.	

Nays—17.

Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Terrell.
Greer.	Veale.
Grinnan.	Watson.
Harper.	

Absent.

Harbison.	Stokes.
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Absent—Excused.

Holsey.

Senator Veale offered the following amendment:

Amend House bill No. 4 by adding after the word "town," in Section 13, line 21, page 13 of the bill, the following: "Provided further, that the provisions of this section of the bill shall not apply to any person, company, association of persons or corporation owning and operating any electric street railroad, trolley, traction or interurban railway within or between towns or cities having a population or a population of less than 10,000."

Senator Skinner offered the following amendment to the amendment, which was adopted.

Amend the amendment by striking out all after the word "trolley," in line 8, and insert in lieu thereof the following: "Or traction railway company wholly within any town of less than 10,000 inhabitants."

Senator Chambers moved to table the amendment as amended, which motion to table was lost by the following vote:

Yeas—9.

Barrett.	Mayfield.
Brachfield.	Senter.
Chambers.	Skinner.
Green.	Smith.
Harper.	

Nays—19.

Alexander.	Masterson.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Harbison.	Stokes.
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Absent—Excused.

Holsey.

The amendment, as amended, was then adopted by the following vote:

Yeas—19.

Alexander.	Masterson.
Barrett.	Meachum.
Cunningham.	Murray.
Faust.	Skinner.
Glasscock.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—9.

Brachfield.	Mayfield.
Chambers.	Paulus.
Green.	Senter.
Grinnan.	Smith.
Harper.	

Absent.

Harbison.	Stokes.
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Absent—Excused.

Holsey.

Senator Terrell offered the following amendment:

Amend the bill by inserting between the words "State" and "or," in line 19, page 3, the following: "Or owning, operating, controlling or managing telephone lines, where such individual, company, corporation or association operates over four hundred miles of wire."

Senator Meachum moved the previous question on the amendment and the bill, which motion being duly seconded was so ordered.

The amendment was adopted by the following vote:

Yeas—17.

Alexander.	Barrett.
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Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Skinner.
Green.	Stone.
Griggs.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Masterson.	

Nays—10.

Brachfield.	Looney.
Glasscock.	Mayfield.
Greer.	Paulus.
Grinnan.	Senter.
Harper.	Smith.

Present—Not Voting.

Harbison.

Absent.

Stokes.

Veale.

Absent—Excused.

Holsey.

Senator Terrell moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Bill read second time, and passed to a third reading.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Watson.
Harper.	Willacy.

Nays—2.

Hudspeth.

Masterson.

Absent.

Stokes.

Veale.

Absent—Excused.

Holsey.

Senator Looney offered the following amendment:

Amend the caption by striking out all reference to the subject matter of Section 4 eliminated by amendment.

The amendment was adopted by the following vote:

Yeas—28.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Grinnan.

Stokes.

Absent—Excused.

Holsey.

Senator Hudspeth offered the following amendment:

Amend the bill by adding thereto the following as Section 11:

"Sec. 11. Each and every individual, company, corporation or association created by the laws of this State, or any other State, who shall engage in his own name or in the name of others, or in the names of its representatives or agents in this State, in the business of a wholesale dealer or retail dealer of brass knucks, common fire crackers, dirk knives and confetti shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of said company, corporation or association, showing the gross amount collected and uncollected from any and all sales made within this State of any of said articles during the quarter next preceding. Such individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to 50 per cent of said gross receipts from said sales as shown by said report," and further amend the caption to conform thereto.

Senator Stone moved the previous question on the amendment and the bill,

which motion being duly seconded was so ordered.

The amendment was lost by the following vote (a two-thirds vote being necessary):

Yeas—15.

Barrett.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Smith.
Griggs.	Terrell.
Harbison.	Veale.
Hudspeth.	Willacy.
Kellie.	

Nays—14.

Alexander.	Looney.
Brachfield.	Masterson.
Glasscock.	Murray.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Stone.
Harper.	Watson.

Absent.

Stokes.

Absent—Excused.

Holsey.

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—2.

Griggs. Masterson.

Absent.

Stokes.

Absent—Excused.

Holsey.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

By Senator Meachum and others:

Whereas, Former Lieutenant Governor Neal is in the city; and

Whereas, He is near to the hearts of the Senators; therefore, be it

Resolved, That he be invited to address the Senate at 2:35 p. m. today upon such subject as he may choose.

MEACHUM,  
HUDSPETH,  
SKINNER,  
TERRELL.

The resolution was read, and unanimously adopted.

In accordance with the above resolution the Chair, Lieutenant Governor Davidson, asked Senators Meachum, Stone and Skinner to escort the former Lieutenant Governor to the President's stand, whereupon the former Lieutenant Governor addressed the Senate in a short but very much appreciated manner.

## RECESS.

Senator Stone here moved that the Senate recess until 4:30 o'clock today, and

Senator Green moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Action being on the longest time first, the motion to recess until 8 o'clock tonight was lost by the following vote:

Yeas—15.

Alexander.	Mayfield.
Chambers.	Paulus.
Cunningham.	Senter.
Green.	Smith.
Griggs.	Stokes.
Harbison.	Watson.
Hudspeth.	Willacy.
Masterson.	

Nays—15.

Barrett.	Looney.
Brachfield.	Meachum.
Faust.	Murray.
Glasscock.	Skinner.
Greer.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Kellie.	

Absent—Excused.

Holsey.

Action then recurred on the motion to recess until 4:30 o'clock today, and

Senator Mayfield moved, as a substitute that the Senate recess until 3:30 o'clock today.

Action recurred on the longest time first, and the motion to recess until 4:30 o'clock prevailed.

#### AFTER RECESS.

The Senate was called to order by President Pro Tem. Barrett.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 2, A bill to be entitled "An Act to amend Articles 5058, 5059 and 5060 of Title CIV, Chapter 1, Revised Civil Statutes of 1895, of the State of Texas, and to add thereto Article 5058a, and declaring an emergency, relating to the office of State Revenue Agent, and authorizing the Governor to appoint two deputies to assist the State Revenue Agent in the performance of his duties," with amendments.

Senate bill No. 4, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation, defining duties of assessors and deputy assessors, prescribing rules for determining the value of property, prescribing rules to govern commissioners courts when sitting as a board of equalization, prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency," with amendments.

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to arrange for connections or transfer of messages with other telephone and telegraph lines doing a like business, and declaring an emergency," with amendments.

Adopted the Free Conference Committee report to House bill No. 10, by the following vote: Yeas, 96; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### HOUSE BILL NO. 40.

On motion of Senator Brachfield, the pending order of business, Senate bill No. 1, was suspended, and the Senate

took up, out of its order, House bill No. 40.

The Chair had before the Senate, on second reading,

House bill No. 40, A bill to be entitled "An Act to validate certain levies of county taxes and proceedings thereunder, and declaring an emergency."

On motion of Senator Brachfield the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Stokes.
Green.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Watson.
Harper.	Willacy.
Hudspeth.	

Absent.

Harbison.	Skinner.
Kellie.	Smith.
Masterson.	

Absent—Excused.

Holsey.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harper.	Watson.
Hudspeth.	Willacy.

Absent.

Harbison.	Masterson.
Kellie.	Smith.

Absent—Excused.

Holsey.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Senator Terrell in the chair.)

SENATE BILL NO. 4—FREE CONFERENCE COMMITTEE ON.

Senator Murray called up, as privileged matter,

Senate bill No. 4, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation, defining duties of assessors and deputy assessors, prescribing rules for determining the value of property, prescribing rules to govern commissioners courts when sitting as a board of equalization, prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency,"

And moved that the Senate do not concur in the following House amendments, and request a Free Conference Committee on same:

Amend Article 5123 by adding after the word "rendered," in line 4, page 2, the words "he shall at once place on said rendition opposite each piece of property so rendered."

Amend page 2, line 25, by striking out the words "just and fair," and inserting in lieu thereof the words "in accordance with the laws of the State."

Amend page 4, line 32, by inserting after the word "court" the words "the clerk shall record in," and by striking out in same line the words "shall show."

Amend the bill by striking out all of Article 5124e after the word "direction," in line 11, page 5 of the printed bill.

The motion to non-concur prevailed, and the Chair appointed the following as the Free Conference Committee on part of the Senate on Senate bill No. 4: Senators Murray, Veale, Stone, Brachfield and Green.

SENATE BILL NO. 24—HOUSE AMENDMENTS CONCURRED IN.

Senator Brachfield called up, as privileged matter,

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to make connec-

tions with other telephone lines doing a like business."

And moved that the Senate concur in the following House amendment:

Amend the bill by striking out Section 2, by inserting in lieu thereof the following:

"Sec. 2. All companies, individuals, firms or corporations doing a telephone business in this State, shall be compelled to make physical connection between their toll lines at common points for the transmission of messages or conversations from one line to another, such connections to be made through the switch board of such individuals, companies, firms or corporations, if any is maintained at such point, so that persons so desiring may converse from points of one of such lines to points on another."

The motion to concur prevailed.

SENATE BILL NO. 2 — HOUSE AMENDMENTS ON.

Senator Brachfield called up, as a privileged matter,

Committee Substitute bill for Senate bill No. 2, A bill to be entitled "An Act to amend Articles 5058, 5059 and 5060 of Title CIV, Chapter 1, Revised Civil Statutes of 1895 of the State of Texas, and to add thereto Article 5058,"

And moved that the Senate concur in the following House amendments:

(1.)

Amend Section 2, page 2, line 6, by striking out the word "thirty" and inserting in lieu thereof "fifty."

(2.)

Also amend Section 2 by adding at the end thereof the following: "Railroad fares and other expenses of such county revenue agents incurred by them while discharging their duty; the accounts of said agents to be approved by the Governor."

(3.)

Also amend the caption in line 18, between the figures "5058a" and the word "and" by inserting the following: "To make an appropriation."

Also amend by striking out the word "salaries," in line 9, Section 2, page 3, and inserting in lieu thereof the words: "Such expenses as may be legally incurred under the provisions of this act."

Amend the bill, page 2, line 5, by striking out all after the word "therein," down to and including the word "coun-

ty," in line 13, and insert in lieu thereof the following: "Whereupon the Governor shall institute such civil and criminal proceedings as may be provided by law through the Attorney General, district or county attorney in the name of the State against such delinquent parties who are reported by such agent to be delinquent in the district court of the county in which such delinquent resides, and the venue may in such cases be changed as is now provided by law for a change of venue in felony cases."

The motion to concur was lost by the following vote:

Yeas—12.

Alexander.	Murray.
Brachfield.	Paulus.
Cunningham.	Skinner.
Green.	Stokes.
Hudspeth.	Terrell.
Kellie.	Veale.

Nays—16.

Barrett.	Harper.
Chambers.	Looney.
Faust.	Masterson.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Senter.
Grinnan.	Stone.
Harbison.	Watson.

Absent.

Smith.	Willacy.
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Absent—Excused.

Holsey.

#### SENATE COMMITTEE SUBSTITUTE BILL NOS. 41 AND 43.

Senator Barrett called up, as a privileged matter,

Senate Committee Substitute bill Nos. 41 and 43, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend Section 1 by striking out the words "persons resident citizens of Texas," in line 4, and insert the following: "Teachers holding first-grade or permanent certificates, who have been actively engaged in teaching in the public schools of the State for the past three years, one of whom shall be a primary teacher of recognized ability."

Amend Section 1, page 2, by inserting after the word "books," in line 16, the following: "And the Text-Book Board shall adopt a series of supplementary reading books for the first, second, third and fourth grades, and each bidder presenting books for adoption shall state at what price the readers are offered as basic readers and as supplementary readers."

Amend Section 1, page 2, line 20, by striking out all after the period in said line down to and including the word "board," on page 3, line 4.

Amend the bill by adding after Section 1 the following: "Provided further, that said Board in selecting said books, where a change is made from the present adoption, shall give preference to Texas authors and bona fide Texas publishers, price and merit being equal to other text-books offered, but no book bearing the name of a Texas author shall be considered by said Board for adoption if it shall, after a thorough investigation, develop that such purported author is not in fact the author of such book or has agreed to allow the use of his name for the express purpose of giving such book a preference before the Board."

(Lieutenant Governor Davidson in the chair.)

Senator Skinner moved, as a substitute motion, that the Senate do not concur in the House amendment, and asked for a Free Conference Committee.

The substitute motion was adopted by the following vote:

Yeas—21.

Brachfield.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Hudspeth.	Veale.
Kellie.	Watson.
Masterson.	Willacy.
Mayfield.	

Nays—8.

Alexander.	Chambers.
Barrett.	Cunningham.

Griggs.  
Harbison.

Looney.  
Meachum.

Absent.

Smith.

Absent—Excused.

Holsey.

The Chair (Lieutenant Governor Davidson) appointed the following Free Conference Committee on Committee Substitute Senate bill Nos. 41 and 43: Senators Murray, Willacy, Senter, Brachfield and Stone.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 31, A bill to be entitled "An Act to simplify trials for the contest of local option elections, and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### HOUSE CONCURRENT RESOLUTION NO. 2.

On motion of Senator Glasscock, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 2.

The Chair laid before the Senate, House Concurrent Resolution No. 2, Relative to a joint postoffice for the House and Senate.

On motion of Senator Glasscock, the committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

### SENATE BILL NO. 31 — HOUSE AMENDMENTS CONCURRED IN.

Senator Looney called up, as a privileged matter,

Senate bill No. 31, A bill to be entitled "An Act to simplify trials for the contest of local option elections, and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Strike out all after the word "election," in line 18, page 2, down to and including the word "courts," in line 19, and insert the following: "And it shall not be permissible to again call the legality of said election in question in any other suit or proceeding."

Amend the bill by inserting after Section 1 the following:

Add Section 2, and changing Section 2 to Section 3, and said Section 2 so as to read as follows:

"Sec. 2. Any qualified voter of any county, justice precinct or subdivision of any county, or any town or city within this State, which has heretofore voted on local option, may contest said election under the provisions of this act, and if no contest is filed within sixty days from the taking effect of this act, it shall be conclusively presumed that said election as held was valid in all things and binding upon all courts."

The motion to concur prevailed by the following vote:

Yeas—26.

Alexander.  
Barrett.  
Brachfield.  
Chambers.  
Cunningham.  
Faust.  
Glasscock.  
Green.  
Greer.  
Grinnan.  
Harbison.

Harper.  
Hudspeth.  
Kellie.  
Looney.  
Masterson.  
Mayfield.  
Meachum.  
Paulus.  
Senter.  
Skinner.  
Stokes.

Stone.  
Veale.

Watson.  
Willacy.

Nays—1.

Murray.

Absent.

Griggs.  
Smith.

Terrell.

Absent—Excused.

Holsey.

Senator Looney moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 2.

Senator Meachum here called up, as a privileged matter, Senate bill No. 2, and moved that the Senate adhere to its position on the passage of the bill (see former proceedings of today for House amendments).

The motion prevailed, and

Senator Meachum moved to reconsider the vote by which the motion was adopted, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 67.

Senator Alexander moved that the pending order of business (Senate bill No. 1) be suspended, and the Senate take up, out of its order, Senate bill No. 57.

Senator Murray moved, as a substitute, that the pending order of business (Senate bill No. 1) be suspended, and the Senate take up, out of its order, House bill No. 67.

The substitute motion was adopted by the following vote:

Yeas—16.

Barrett.  
Cunningham.  
Faust.  
Glasscock.  
Greer.  
Griggs.  
Grinnan.  
Harper.

Kellie.  
Looney.  
Mayfield.  
Murray.  
Paulus.  
Stokes.  
Stone.  
Veale.

Nays—11.

Alexander.  
Chambers.  
Green.  
Hudspeth.  
Masterson.  
Meachum.

Senter.  
Skinner.  
Terrell.  
Watson.  
Willacy.

Absent.

Brachfield.  
Harbison.

Smith.

Absent—Excused.

Holsey.

The Chair laid before the Senate, on second reading,

House bill No. 67, A bill to be entitled "An Act to amend Sections 5 and 6 of Chapter 103, passed by the Regular Session of the Twenty-ninth Legislature, and approved April 15, 1905, relating to the sale and lease of the land belonging to the public free school and asylum funds, and to add thereto Sections 6a, 6b, 6c, 6d, 6e, 6f and 6g, relating to the sale, settlement and residence on land, sales without residence, sale of timber, sales for cash or on time, transfers, forfeitures, reservation of minerals, guayule, lechuguilla and sotol, and providing a penalty for cutting or removing such substances from the land, certificates of occupancy to become muniments of title, authorizing the Commissioner to adopt rules and regulations necessary to execute the provisions in conflict with this act, and declaring an emergency."

On motion of Senator Murray, the committee report, with amendments and that the bill be not printed, was adopted.

Senator Hudspeth offered the following amendment:

Amend the committee amendment, page 10, line 30, after the word "purchase": "Provided, that in case the assignment should have been made and acknowledged before an officer authorized to take acknowledgments, the assignee may exercise that right as provided for under Act of April 19, 1905."

Senator Grinnan moved to table the amendment, which motion to table was lost by the following vote:

Yeas—12.

Barrett.  
Brachfield.  
Faust.  
Glasscock.  
Greer.  
Grinnan.

Harbison.  
Harper.  
Looney.  
Murray.  
Smith.  
Stokes.

Nays—18.

Alexander.  
Chambers.  
Cunningham.  
Green.  
Griggs.  
Hudspeth.

Kellie.  
Masterson.  
Mayfield.  
Meachum.  
Paulus.  
Senter.

Skinner.  
Stone.  
Terrell.

Veale.  
Watson.  
Willacy.

Absent—Excused.

Holsey.

(Senator Chambers in the chair.)  
Senator Murray offered the following amendment to the amendment:

Amend the amendment by striking out the last words, "under Act of April 19, 1905," and insert in lieu thereof the following: "In this section."

Senator Hudspeth moved to table the amendment to the amendment, which motion to table prevailed.

The amendment by Senator Hudspeth was then adopted.

Senator Hudspeth moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

#### REFUSE TO SUSPEND.

Senator Senter moved that the pending order of business (House bill No. 67) be suspended, and the Senate take up, out of its order, House bill No. 103.

The motion was lost by the following vote:

Yeas—17.

Alexander.  
Barrett.  
Brachfield.  
Cunningham.  
Glasscock.  
Green.  
Griggs.  
Hudspeth.  
Masterson.

Mayfield.  
Meachum.  
Paulus.  
Senter.  
Skinner.  
Terrell.  
Watson.  
Willacy.

Nays—12.

Chambers.  
Faust.  
Greer.  
Grinnan.  
Harbison.  
Harper.

Kellie.  
Looney.  
Murray.  
Stokes.  
Stone.  
Veale.

Absent.

Smith.

Absent—Excused.

Holsey.

#### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House does

not concur in Senate amendments to House bill No. 4, and a Free Conference Committee is requested. The following has been appointed on part of the House: Messrs. Kennedy, Terrell of McLennan, Baskin, King and Adams.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 4.

Granting the above request on part of the House, the Chair appointed the following Free Conference Committee on part of the Senate on House bill No. 4: Senators Willacy, Green, Skinner, Chambers and Alexander.

#### FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill Nos. 41 and 43. The following has been appointed on part of the House: Messrs. Gafford, Alderdice, Terrell of Cherokee, Wilmeth and Briggs.

And has passed:

Substitute Senate bill No. 18, A bill to be entitled "An Act providing for the appointment of official stenographers for district courts by the judges thereof in all districts, to report cases, and make the report of such stenographer, when filed, the statement of facts of all evidence, both oral and written, introduced in the trial of cases; to provide for the compensation of such stenographers, declaring an emergency, and repealing Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature, also Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, and declaring an emergency," with amendments.

Senate bill No. 62, A bill to be entitled "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.



## HOUSE BILL NO. 67.

Action here recurred on House bill No. 67, and

Senator Willacy offered the following amendment, which was adopted:

Amend the bill by striking out in line 26, page 8, and in line 28, page 8, the words "guayule and lechuguilla."

HUDSPETH,  
WILLACY.

Senator Hudspeth offered the following amendment:

Amend the bill by striking out all after the word "executed," in line 24, page 1, down to and including the word "and," in line 25.

WILLACY,  
HUDSPETH.

Senator Stokes moved the previous question on the pending amendment and the bill, which motion was duly seconded and was so ordered.

The amendment by Senator Hudspeth was then adopted by the following vote:

Yeas—16.

Alexander.	Mayfield.
Barrett.	Meachum.
Chambers.	Senter.
Green.	Skinner.
Griggs.	Smith.
Harbison.	Terrell.
Hudspeth.	Watson.
Masterson.	Willacy.

Nays—9.

Brachfield.	Looney.
Faust.	Murray.
Glasscock.	Stokes.
Grinnan.	Veale.
Harper.	

Present—Not Voting.

Stone.

Absent.

Cunningham.	Kellie.
Greer.	Paulus.

Absent—Excused.

Holsey.

Senator Hudspeth moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Bill read second time, and passed to a third reading.

On motion of Senator Looney, the constitutional rule requiring bills to be read

on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Senter.
Faust.	Skinner.
Glasscock.	Stokes.
Green.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Looney.	Willacy.

Nays—4.

Griggs.	Masterson.
Hudspeth.	Watson.

Absent.

Cunningham.	Kellie.
Greer.	Paulus.
Grinnan.	Smith.

Absent—Excused.

Holsey.

Senator Looney moved the previous question on the bill, which motion being duly seconded was so ordered.

The bill was read third time, and passed.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

# SENATE BILL NO. 62—HOUSE AMENDMENTS CONCURRED IN.

Senator Willacy called up, as a privileged matter,

Senate bill No. 62, A bill to be entitled "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem pay of officers of employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 62 by striking out the words "seven thousand dollars" wherever they occur in the bill and insert the words "nine thousand dollars" in lieu thereof.

Amend Senate bill No. 62 as follows:

(1.)

"Section 1a. That the sum of three thousand dollars, or so much thereof as

may be necessary is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the contingent expenses of the First Called Session of the Thirtieth Legislature; provided, that the Comptroller is hereby authorized to issue his warrant on and the Treasurer to pay out of this fund any deficiency in the contingent fund of the Regular Session of the Thirtieth Legislature."

(2.)

Amend the caption by inserting after "employees" the following words: "And the sum of three thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses."

(3.)

By inserting after the word "Legislature" the following words: "And authorizing the Comptroller to issue warrant on and the Treasurer to pay out of this fund any deficiency in the contingent fund of the Regular Session of the Thirtieth Legislature."

The motion to concur prevailed by the following vote:

Yeas—24.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Senter.
Faust.	Skinner.
Green.	Smith.
Griggs.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hudspeth.	Veale.
Looney.	Watson.
Masterson.	Willacy.

Nays—1.

Glasscock.

Absent.

Cunningham.	Kellie.
Greer.	Paulus.
Grinnan.	

Absent—Excused.

Holsey.

#### SUBSTITUTE SENATE BILL NO. 18— HOUSE AMENDMENTS ON.

Senator Skinner called up, as privileged matter,

Substitute Senate bill No. 18, A bill to be entitled "An Act to authorize the district courts to employ a stenographer, to provide compensation therefor, and

to repeal Chapter 112, page 209, General Laws of the Twenty-ninth Legislature, passed at its Regular Session, and with an emergency clause,"

And moved that the Senate do not concur in the following House amendments, and asked for a Free Conference Committee:

Strike out everything after the enacting clause and insert the following:

"Section 1. For the purpose of preserving the records in all cases for the information of the court, jury and parties, the judges of the district courts in all judicial districts of this State, composed of only one county, or of only a portion of one county, and all other district courts sitting in the same counties therewith, shall appoint an official stenographer for such court, who shall be well skilled in stenography, and who shall be a sworn officer of the court, and as such certify all his acts. He shall hold his office during the pleasure of the court.

"Sec. 2. Before any person can be appointed in the first instance an official stenographer of any court contemplated by this act, he shall be examined as to his competency by at least three members of the bar practicing in said court, such committee to be appointed by the judge thereof. The test of competency shall be as follows: The applicant shall write, in the presence of such committee, at the rate of at least one hundred and twenty words per minute for five consecutive minutes, from questions and answer not previously written by him, and transcribe the same with accuracy. If the applicant passes this test satisfactorily, a majority of the committee shall furnish him with a certificate of the fact which shall be filed in the records of the court. Upon the occasion of subsequent appointments the presentation of certified transcript from the clerk of the court of the certificate above mentioned shall be taken as prima facie evidence of the stenographer's competency.

"Sec. 3. It shall be the duty of the official stenographer to attend all sessions of the court, to take full stenographic notes of the evidence offered in every cause tried in said court, together with all objections to the admissibility of testimony, the rulings of the court thereon, and all exceptions taken to such rulings, which said stenographic notes, if not transcribed, shall be filed by the clerk of the court, with the papers of the cause.

"Sec. 4. At the request of either

party, it shall be the duty of said stenographer to make a transcript in type-writing of all the evidence and other proceedings had on any trial, which transcript shall be paid for by him and be the property of the party ordering the same.

"Sec. 5. In case an appeal is taken from the judgment rendered in any case the stenographer shall, when requested by the party appealing, make up, under direction of the parties, or their attorneys of record, and the judge of the court, a duplicate statement of facts, which shall consist of the evidence introduced on the trial, both oral and by depositions, stated in narrative form, together with copies, to be made in accordance with the rules of the court, of such documents, sketches, maps, and other matter as was used in evidence. It shall not be necessary to copy such a statement of facts in the transcript, but the same shall, when agreed upon by the parties or in the event of their failure to agree, when approved by the judge trying the case, be filed by the clerk of the court and the original shall be sent up as a part of the record of the cause. The evidence of any witness contained in said statement of facts may on any subsequent trial of any cause be used in evidence and shall have the same force and effect as the deposition of such witness regularly taken under the laws of this State.

"Sec. 6. The official stenographer shall receive as per diem compensation the sum of five dollars for each and every day he shall be in attendance upon the court for which he is appointed, to be paid monthly out of the general fund of the county in which said court sits, upon the certificate of the judge thereof, by the commissioners court of said county. He shall also receive from the money paid to the clerk of the court by the person or persons ordering such transcript or statement of facts, the sum of ten cents per folio of one hundred words for each original copy and five cents per folio of one hundred words for each carbon copy thereof.

"Sec. 7. The fees allowed the official stenographer shall be paid to the clerk of the court by the party ordering the statement of facts and by said clerk paid to the stenographer upon filing the same as herein required, and the cost of such statement of facts shall be taxed as any other costs of the case.

"Sec. 8. Hereafter the clerks of all the courts having appointed official stenographers, as provided for in this act,

shall tax as costs in each civil case now or hereafter pending in such courts, except suits for the collection of delinquent taxes, and except suits which are not contested, in which cases the imposition of the stenographer's fee herein provided for shall be within the discretion of the trial court, a stenographer's fee of three dollars, which shall be paid as other costs in the case, and which shall be paid by said clerk, when collected, into the general fund of the county in which said court sits, except cases in which the district court has not original jurisdiction.

"Sec. 9. The official stenographer may, with the consent of the court, appoint one or more deputies, when necessary, to assist him in the discharge of his duties.

"Sec. 10. It shall be the duty of each official stenographer to file with the district clerk of the county for which said stenographer is appointed annually upon the first day of January after his appointment, an itemized statement, verified by his affidavit, of all sums collected by him as per diem or other compensation during the preceding year, giving the name of the person paying each sum and the date and the payment of same.

"Sec. 11. It shall be the duty of the county treasurer of all counties in which the district court having official stenographers shall sit to file with the clerk of such court annually on the first day of January an itemized statement of all sums received by him from the clerk during the preceding year, as stenographer's fees by such clerk.

"Sec. 12. In all other judicial districts the district judge thereof may appoint an official stenographer, if in his judgment such appointment is necessary, and in the event of such appointment the terms of this act shall apply, and thereafter in every civil case filed in the district court of said judicial district there shall be taxed and collected the stenographer's fees as provided for in Section 6 of this act, and the stenographer so appointed shall receive the compensation hereinbefore provided.

"Sec. 13. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

"Sec. 14. The fact that the present law regulating the appointment of official stenographers has caused and is causing confusion and is placing upon the appellate courts an unnecessary burden, creates an emergency and an imperative public necessity that the con-

stitutional rule requiring bills to be read on three several days should be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Amend the caption of the bill so as to read as follows:

"An Act to provide for the appointment of a competent stenographer to report cases, to make reports of the evidence in such cases and under the direction of the judge and parties, make up and file statements of facts which shall be sent upon appeal as a part of the record when agreed upon by the parties or approved by the judge, to make such statement of facts admissible in evidence as depositions of witnesses in certain cases, providing the mode of his compensation and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Amend the bill by inserting a new section, to be known as Section 5a, which is as follows:

"Sec. 5a. In the trial of all criminal cases in the district court in which the defendant is charged with a felony, the stenographer shall keep an accurate stenographic record of all the proceedings of such trial in like manner as is provided for in civil cases, and should an appeal be prosecuted from any judgment of conviction, whenever the State and defendant can not agree as to the testimony of any witness, then and in such event so much of the transcript of the stenographer's report with reference to such disputed facts shall be inserted in the statement of facts as is necessary to show what the witness testified to in regard to the same, and shall constitute a part of the statement of facts, and the same rule shall apply in the preparation of bills of exception, provided, that such stenographer's report when carried into the statement of facts of bills of exceptions shall be condensed so as not to contain the questions and answers except where, in the opinion of the judge such questions and answers may be necessary in order to elucidate the fact or question involved.

"Provided, that the same amount of compensation shall be allowed as in civil cases to be paid by the State as cost in felony cases."

Amend the amendment to the amendment by inserting at the end thereof the following: "Provided, the statement of the facts, when approved, shall be filed as a part of the records, but not to be copied in the record on appeal, but

sent up with the transcript as a part thereof."

Amend the amendment by adding after the word "connection," line 6, Section 5a, the following: "The stenographer shall make up a statement of facts in narrative form and."

Amend Section 5 by adding the following: "Provided, that the provisions of this section shall not apply to criminal cases."

Amend bill on page 8, line 39, by striking out the words, "statement of facts," and insert "stenographers when transcribed."

The motion to non-concur prevailed, and

The Chair (Senator Chambers) appointed the following as the Free Conference Committee on part of the Senate: Senators Alexander, Watson, Willacy, Meachum and Mayfield.

#### HOUSE BILL NO. 103.

On motion of Senator Senter, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 103.

The Chair laid before the Senate, on second reading,

House bill No. 103, A bill to be entitled "An Act to incorporate Seagoville Independent School District in Dallas and Kaufman counties an independent school district; and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein."

On motion of Senator Senter, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Griggs.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Hudspeth.	Terrell.

Veale.  
Watson.

Willacy.

Absent.

Cunningham.  
Greer.  
Grinnan.

Kellie.  
Paulus.

Absent—Excused.

Holsey.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield	Murray.
Chambers.	Senter.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Griggs.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Masterson.	

Absent.

Cunningham.	Looney.
Greer.	Paulus.
Grinnan.	Willacy.
Kellie.	

Absent—Excused.

Holsey.

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### BILLS SIGNED BY THE CHAIR.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 101, "An Act to amend Section 1 of an act of the Regular Session of the Thirtieth Legislature of the State of Texas, which was introduced and passed through said Thirtieth Legislature as House bill No. 275, entitled 'An Act creating the Christoval Independent School District in Tom Green county, Texas.'"

House bill No. 102, "An Act to incorporate Merit School District in Hunt county, and to provide for the election of trustees, raising revenue by taxation, issuing bonds, and maintaining public free schools therein."

House bill No. 105, "An Act to authorize and empower the city of Galveston,

Texas, to convey to the United States of America a certain area or tract of land in Galveston Bay, for an immigration station and for other governmental purposes, and to cede to the said United States jurisdiction over the same, and declaring an emergency.

House bill No. 104, "An Act to amend Sections 2 and 3 of an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, Hall county, Texas and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency.'"

Signed by President Pro Tem. Barrett:

Senate Concurrent Resolution No. 2, Authorizing the Comptroller to draw warrants to pay balance due and to become due members, officers and employees of the Regular Session of the Thirtieth Legislature out of the appropriation for the per diem and pay of members, officers and employees of the First Called Session of the Thirtieth Legislature."

House bill No. 109, "An Act to amend an act of the Thirtieth Legislature of Texas, Regular Session, approved April 1, 1907, and declaring an emergency."

Senate bill No. 65, An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1902, and which have failed or are about to fail to construct their roads and branches or any part thereof within the time required by law, and declaring an emergency."

Senate bill No. 60, "An Act to amend an act of the Thirtieth Legislature of Texas, Regular Session, approved April 25, 1907, entitled an act to amend Chapter 94, page 119, of the acts of the Twenty-eighth Legislature, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith, by adding to said law Section 18, concerning punishment for violation thereof; Section 19 with reference to

venue; Section 20 with reference to the duties of district and county attorneys and the Attorney General, and Section 21 concerning fees, and declaring an emergency,' by adding to said Chapter 94, page 119, Acts of the Twenty-eighth Legislature, Sections 19, 20, 21 and 22; said Section 19, defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecutions therefor, and fixing the punishment and penalties for violations of said chapter, and of this act; Section 20 fixing venue for criminal prosecutions, and providing that such prosecutions shall not bar a prosecution of or recovery against any other person or persons for the same offense; Section 21 defining the powers and prescribing the duties of county and district attorneys of this State, and of the Attorney General under this act; and Section 22 fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and providing that this act shall not repeal said Chapter 94, Acts of the Twenty-eighth Legislature of Texas, and that this act shall be cumulative thereof, and declaring an emergency."

#### ADJOURNMENT.

On motion of Senator Stone, the Senate, at 7:40 o'clock p. m., adjourned until tomorrow morning at 9 o'clock.

#### APPENDIX.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 60, "An Act to amend an act of the Thirtieth Legislature of Texas, Regular Session, approved April 25, 1907, entitled 'An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature entitled An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the

suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith,' by adding to said law Section 18, concerning punishment for violation thereof, Section 19, with reference to venue, Section 20, with reference to the duties of district and county attorneys and the Attorney General, and Section 21 concerning fees, and declaring an emergency,"

By adding to said Chapter 94, page 119, of the Acts of the Twenty-eighth Legislature Sections 19, 20, 21 and 22, said Section 19 defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecution therefor and fixing the punishment and penalties for violations of said chapter and of this act; Section 20 fixing venue for criminal prosecutions and providing that such prosecution shall not bar a prosecution of or recovery against any other person or persons for the same offense; Section 21 defining the powers and prescribing the duties of county and district attorneys of this State and of the Attorney General under this act; and Section 22 fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and providing that this act shall not repeal said Chapter 94 of the Twenty-eighth Legislature of Texas, and that this act shall be cumulative thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That an act to amend an act of the Thirtieth Legislature of the State of Texas, Regular Session, approved April 25, 1907, entitled "An Act to amend Chapter 94, page 119, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and provide for the suppression of the same, and to promote free competition in the State of Texas, and repeal all laws in conflict herewith, by adding to said law Section 18 concerning punishment for violation thereof; Section 19 with reference to venue; Section 20 with reference to district and county attorneys and the Attorney General, and Section 21, concerning fees and declaring an emergency,'" be amended by adding to said

Chapter 94, page 119, Acts of the Twenty-eighth Legislature, Sections 19, 20, 21 and 22, said Sections 19, 20, 21 and 22, respectively to read as follows:

Said Section 19, defining, prohibiting and declaring illegal trusts, monopolies and conspiracies in restraint of trade, providing criminal prosecutions therefor and fixing the punishment and penalties for violations of said chapter and of this act; Section 20 fixing venue for criminal prosecutions, and providing that such prosecutions shall not bar a prosecution of or recovery against any other person or persons for the same offense; Section 21 defining the powers and prescribing the duties of county and district attorneys of this State and of the Attorney General under his act; and Section 22, fixing the fees of the county and district attorneys for prosecutions under this act, and apportioning such fees between such county and district attorneys, and providing that this act shall not repeal said Chapter 94, Acts of the Twenty-eighth Legislature of Texas, and that this act shall be cumulative thereof, and declaring an emergency.

Sec. 19. If any person shall enter into an agreement or understanding of any character to form a trust, or to form a monopoly, or to form a conspiracy in restraint of trade as these offenses are defined by Chapter 94 of the Acts of the Twenty-eighth Legislature, or shall form a trust, monopoly or conspiracy in restraint of trade, or shall be a party to the formation of a trust or monopoly or conspiracy in restraint of trade, or shall become a party to a trust or monopoly or conspiracy in restraint of trade, or shall do any act in furtherance of or aid to such trust or monopoly or conspiracy in restraint of trade, he shall be punished by imprisonment in the penitentiary for a period of not less than two years nor more than ten years.

If any person shall, as a member, agent, employe, officer, director or stockholder of any business, firm, corporation or association of persons, form, in violation of the provisions of Chapter 94 of the Acts of the Twenty-eighth Legislature, or shall operate in violation of the provisions of this act any such business, firm, corporation or association formed in violation of Chapter XCIV of the Acts of the Twenty-eighth Legislature, or shall make any sale, or purchase, or any other contract, or do business for such business, firm, corporation or association, or shall do any other act which has the effect of violating or aiding in the violation of the provisions of Chap-

ter 94 of the Acts of the Twenty-eighth Legislature, or shall with the intent or purpose of driving out competition or for the purpose of financially injuring competitors sell within this State at less than cost of manufacture or production or sell in such a way or give away within this State products for the purpose of driving out competition or financially injuring competitors engaged in a similar business, or give secret rebates on such purchase for the purpose aforesaid, he shall be punished by confinement in the penitentiary for a period of not less than two years nor more than ten years.

If any person shall outside of this State do anything which, if done within this State, would constitute the formation of a trust or monopoly or conspiracy in the restraint of trade as defined by Chapter 94, page 119 of the Acts of the Twenty-eighth Legislature, and shall cause or permit the trust or monopoly so formed by him to do business within this State, or shall cause or permit such trust, monopoly, or conspiracy in restraint of trade to have any operation or effect within this State, or if such trust, monopoly or conspiracy in restraint of trade having been formed outside of said State, any person shall give effect to such trust, monopoly or conspiracy in this State, or he shall do anything to help or aid it doing business in this State, or otherwise violate the anti-trust laws of this State, or if any person shall buy or sell or otherwise make contracts for or aid any business, firm, corporation or association of persons, formed or operated in violation of the provisions of Chapter 94 of the Acts of the Twenty-eighth Legislature, or so formed or operated as would be in violation of the laws of this State, if it had been formed within this State, shall be punished by confinement in the penitentiary for a period of not less than two years nor more than ten years.

If any person or employe or employes, or agent or agents, stockholder or stockholders, officer or officers of any person, firm, association of persons, or corporations now doing business in this State, who have formed a trust as defined in Chapter 94, page 119, of the Acts of the Twenty-eighth Legislature, or formed a monopoly as defined in Chapter 94, page 119, of the Acts of the Twenty-eighth Legislature, or has formed a conspiracy in restraint of trade, as defined in Chapter 94, page 119, of the Acts of the Twenty-eighth Legislature, or shall do or perform any act of any character to carry out such trust, monopoly or conspiracy

in restraint of trade, such person, employe or employes, agent or agents, stockholder or stockholders, officer or officers shall be punished by confinement in the penitentiary for not less than two years nor more than ten years.

Sec. 20. Criminal prosecutions under this act may be conducted in Travis county, Texas, or in any county in this State wherein a trust, monopoly, or conspiracy in restraint of trade is being carried on, a recovery or prosecution against any person for any violation of this act, shall not bar a prosecution of or recovery against any other person or persons for the same offense.

Sec. 21. Prosecutions under this act may be instituted by any county or district attorney of this State, and when any such prosecutions have been instigated by any county or district attorney, such officer shall forthwith notify the Attorney General of such fact, and it is hereby made the duty of the Attorney General, when he shall receive such notice, to join such officer in such prosecution and do all in his power to secure the enforcement of this act.

Sec. 22. For every conviction obtained under the provisions of this act, the State shall pay to the county or district attorney in such prosecution the sum of \$250, and if both the county and district attorney shall serve together in such prosecution, such fee shall be divided between them as follows: \$100 to the county attorney and \$150 to the district attorney.

Sec. 2. That this act shall not repeal, modify or in any manner effect said Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, or any section or provisions thereof, and this act is and is intended to be cumulative of said Chapter XCIV of the Acts of the Twenty-eighth Legislature of Texas.

Sec. 3. (Emergency clause.)

And find it correctly enrolled, and have this day, at 4:55 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 65, "An Act for the relief of railway corporations having charters granted or amended since the

first day of January, 1902, and which have failed, or are about to fail to construct their roads and branches or any part thereof, within the time required by law, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That any railway company chartered under the laws of this State since the first day of January, 1902, which owns and operates not less than three hundred miles of railroad in this State, and which owns a right of way and an unfinished grade thereon of not less than fifty miles in length upon which it has expended not less than one hundred thousand dollars, and which shall within one year from the passage of this act, construct upon said unfinished grade and equip and put in operation twenty miles or more of railroad thereon, shall have two years additional time from the date this act takes effect in which to comply with the provisions of Article 4558 of the Revised Statutes of this State, and each such railway which shall have forfeited its corporate existence or any of its rights and powers or is about to do so, by reason of the failure to comply with said Article 4558 or any part of said article, shall have, and such corporate existence is hereby restored and preserved to it and shall enjoy all of the corporate franchises, rights and powers held or acquired by it previous to any cause of forfeiture on account of any such failure; provided, that no such railway company shall claim or exercise any right or franchise not allowed, granted or permitted to other railway corporations under the laws now in force in this State, and every such railway company shall comply with the laws of this State now in force pertaining to railway corporations.

Sec. 2. The fact that no good can result to the State from the forfeiture provided against in this act, and that the public interest will be promoted by the relief, herein provided, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and demanding that this act take effect and be in force from and after its passage, and it is so enacted,

And find it correctly enrolled, and have this day, at 4:55 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.



Committee Room,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, Be it resolved by the Senate, the House of Representatives concurring, That the Comptroller be and is hereby authorized to draw warrants to pay the balance due and to become due to members, officers and employes of the Regular Session of the Thirtieth Legislature out of the appropriation made to pay per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

And find it correctly enrolled, and have this day, at 4:55 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

#### TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, May 11, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent—Excused.

Holsey.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell, the same was dispensed with.

There being no bills and resolutions, committee reports, petitions or memo-

rials, the Chair declared the morning call concluded.

#### PRESIDENT PRO TEM. — ELECTION OF.

The Chair here announced the election of a President Pro Tem. for the ensuing term was in order, whereupon

Senator Willacy placed in nomination Senator B. F. Looney of Hunt county. In nominating Senator Looney, Senator Willacy made a brief, but highly complimentary reference to him as being a splendid gentleman and legislator, as also did Senator Skinner who seconded the nomination.

There being no other nominations, the Chair declared nominations closed.

Senators Willacy, Skinner, Masterson and Veale were appointed tellers.

Senator Looney received twenty-five votes, and Senator Glasscock (whose name was not presented) received one vote.

Senator Looney having received a majority of the votes cast, the Chair declared him duly and constitutionally elected.

The Chair requested Senators Skinner and Willacy to escort the President Pro Tem.-elect to the President's chair, whereupon the constitutional oath was administered him.

In accepting the office of President Pro Tem., Senator Looney expressed his appreciation of the honor conferred upon him.

(President Pro Tem. Looney in the chair.)-

#### HOUSE BILL NO. 8.

On motion of Senator Glasscock, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 8.

The Chair laid before the Senate, on second reading,

House bill No. 8, A bill to be entitled "An Act to amend Section 8 of Chapter 130 of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, approved April 17, 1905, entitled 'An Act to provide a method for the assessment and collection of taxes on real property omitted from the tax rolls for the year or years since the year 1884, and a method for reassessing and collecting the tax on real properties on which former assessments are found to be invalid, or which have been declared invalid by a district court for